

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

STONY POINT LAND, INC.,)	
)	
Debtor.)	Case No. 10-31740-KRH
)	Chapter 11
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SIMONS HAULING COMPANY, INC.,)	
)	
Plaintiff,)	Case No. 10-03104-KRH
v.)	Adversary Proceeding
)	
STONY POINT LAND, INC.,)	
)	
Defendant.)	
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JOINT ORDER APPROVING SETTLEMENT

This day came the parties, Simons Hauling Company, Inc. (“Simons Hauling”) and Stony Point Land, Inc. (“Stony Point”), by counsel, and in consideration of the pleadings and the record before the Court, the Court finds as follows:

1. On or about August 25, 2008, Stony Point commenced a civil action against Simons Hauling in the State Court, Case No. CL08004029-00 (the “Civil Action”).
2. The Civil Action was commenced by the filing of an “Application for Permission to Pay Money into Court to Discharge Mechanic’s Liens,” which concerned the release of certain mechanic’s liens from real property owned by Stony Point at which Simons Hauling had performed certain work. Stony Point posted a cash bond in the Civil Action from which there remains \$132,441.26 at this time, being held by this Court pursuant to its prior Order transferring

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the funds from the State Court, pending a determination and/or resolution of the validity of the mechanic's liens filed by Simons Hauling.

3. On or about March 12, 2010, Stony Point filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code in the Bankruptcy Court, Case No. 10-31740-KRH (the "Bankruptcy Case"). The Bankruptcy Case remains pending at this time.

4. On or about June 9, 2010, Stony Point, by counsel, filed a Notice of Removal pursuant to 28 U.S.C. § 1452(a) to the Bankruptcy Court, which has jurisdiction of such cause of action under 28 U.S.C. § 1334, removing the two related State Court mechanic's lien matters to this Court. The two matters have since been consolidated by prior Order of this Court, though they remain on the docket as Adversary Proceedings 10-03104-KRH and 10-03105-KRH.

5. On February 8, 2011, this Court, upon the joint request of the parties, entered an Order referring these consolidated Adversary Proceedings to a mediation to attempt to resolve and settle the same.

6. On February 18, 2011, the parties attended and participated in a mediation conducted by the Honorable Stephen C. St. John of this Court, resulting in a settlement agreement between the parties providing for:

- a. Dismissal with prejudice of Adversary Proceedings 10-03104-KRH and 10-03105-KRH and agreement of the parties of a mutual release regarding any other or future causes of action arising out of the same facts and disputes;
- b. Payment to Stony Point (as debtor in possession and for the benefit of its Chapter 11 estate) in the amount of Sixty Thousand Dollars (\$60,000.00) from the \$132,441.26 bond monies currently held by this Court in relation to these Adversary Proceedings;
- c. Payment of the balance of the bond monies (currently \$72,441.26) to Simons Hauling;

Upon consideration of this mediated settlement agreement, the consent of the parties and for good cause, it is hereby:

ORDERED that Adversary Proceedings 10-03104-KRH and 10-03105-KRH are hereby dismissed with prejudice;

ORDERED that the Clerk of the Bankruptcy Court shall promptly pay from the bond money deposited herein the amount of \$60,000.00 to Stony Point Land, Inc. as debtor in possession, and Stony Point Land, Inc. shall promptly deposit such funds into its debtor in possession account and use such funds in accordance with its rights and obligations as established by this Court's prior Orders;

ORDERED that the Clerk of the Bankruptcy Court shall promptly pay from the bond money deposited herein the balance of such bond monies deposited herein, such balance believed as of the date of this Order to be \$72,441.26, to Simons Hauling Company, Inc. via its counsel.

Mar 3 2011

ENTERED: _____

/s/ Kevin Huennekens

Kevin R. Huennekens, Judge

Seen and agreed to:

Entered on Docket: Mar 4 2011

/s/ Jeffrey H. Geiger
Jeffrey H. Geiger (V.S.B. No. 40163)
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Special Counsel for the Debtor

Seen and Agreed to:

/s/ David G. Browne

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Counsel for Simons Hauling Company, Inc.

LOCAL RULE 9022-1(C) CERTIFICATION

The undersigned certifies that the foregoing Order was endorsed by and/or served upon all necessary parties pursuant to Local Rule 9022-1(c).

/s/ David G. Browne

David G. Browne, Esquire

PARTIES TO RECEIVE COPIES

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United States Bankruptcy Court
Eastern District of Virginia

Simons Hauling Company, Inc.,
Plaintiff

Adv. Proc. No. 10-03104-KRH

Stony Point Land, Inc.,
Defendant

CERTIFICATE OF NOTICE

District/off: 0422-7

User: smithla
Form ID: pdford2

Page 1 of 1
Total Noticed: 2

Date Rcvd: Mar 04, 2011

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 06, 2011.

pla +Simons Hauling Company, Inc., c/o Joey Simons, P.O. Box 7723, Richmond, VA 23231-0223
dft +Stony Point Land, Inc., 1927 Hanover Avenue, Richmond, VA 23220-3509

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 06, 2011

Signature:

